

DEPARTMENT OF THE ARMY INSTALLATION MANAGEMENT COMMAND HEADQUARTERS, U.S. ARMY GARRISON FORT RICHARDSON (PROV) 724 POSTAL SERVICE LOOP #6000 FORT RICHARDSON, ALASKA 99505-6000

10 October 2008

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: U.S. Army Garrison Fort Richardson (USAG FRA) Driving Suspension/Revocation Policy (USAG-FRA-09)

1. References:

- a. AR Regulation 190-5, Motor Vehicle Traffic Supervision, 25 January 2006
- b. DoDD 5200.8, Security of DoD Installations and Resources, 25 April 1991
- c. Memorandum of Understanding #178, Reciprocal Installation Barment and Driving Revocation, 1 August 2003
- 2. The purpose of this policy is to establish uniform administrative sanctions for driving offenses for USAG FRA and to establish due process procedures for individuals who are the subject of such action(s).
- 3. Motor vehicle operation on a military installation is a privilege which can be taken away by the installation commander or designee responsible for the protection and security of personnel and property under their command. Individuals granted these privileges are expected to obey traffic laws and governing access control regulations and policies.
- 4. Those individuals who fail to adhere to the applicable laws, regulations and policies are subject to administrative sanctions as set forth in the enclosure to this policy. This enclosure shall serve as the template for the uniform imposition of administrative sanctions for driving offenses.
- 5. The point of contact for this policy letter is the USAG FRA Garrison Administrative Officer at 384-2175.

Encl as DAVID L. SHUTT

COL, AR

Commanding

USAG-FRA Template for Driving Offenses and Barment Penalties

OFFENSES BY CATEGORY

1ST Offense

2nd Offense

DUI/DWI/Implied Consent Refusal	1 Year Driving Revocation (Immediate Action)	Mandatory 5 Year Driving Revocation IAW 190-5
20 MPH or more over posted speed limit (Any location)	1 Year Suspension (effective date begins 14 days after offense)	2 Year Revocation or a 5 Year Revocation i offense occurs during 1st offense penalty period
All repeat offenses whether listed or not will be evaluated on a case-by-case basis by the commander or designee	As appropriate	As appropriate
Failure to wear proper motorcycle Personal Protection Equipment	30 Day Suspension (effective date begins 14 days after offense)	1 Year Revocation or a 5 Year Revocation i offense occurs during 1 st offense penalty period
Operating a Motorcycle while not having completed an approved Motorcycle Safety Course	30 Day Suspension (effective date begins 14 days after offense)	1 Year Revocation or a 5 Year Revocation i offense occurs during 1 st offense penalty period
Operating a motor vehicle while talking on a cell phone (w/o use of a hands free device)	30 Day Suspension (effective date begins 14 days after offense)	1 Year Revocation or a 5 Year Revocation i offense occurs during 1 st offense penalty period
All other offenses not listed above will be evaluated on a case-by-case basis by the commander or designee	As appropriate	As appropriate
Driving while license suspended	Driving privilege will continue to be suspended or revoked and will be come a 5 year revocation after the 14 day administrative review grace period.	As appropriate

INSTRUCTIONS

- Note that the immediate suspension of post driving privileges only takes place for the offense of DUI. The DUI suspension will convert to a 1-year revocation upon the subject's conviction for the offense or upon other findings that confirm the offense charged was in fact committed.
- 2. A suspension letter will be issued immediately for all other offenses, but will not take effect until 14 days after issuance (except DUI) to allow the individual time to request a hearing with the Garrison Commander if he/she elects that option. Two (2) copies must be completed for <u>ALL</u> memo issuances, one (1) copy for the offender and the second (2) must be retained by the LE Desk and attached to any other offense related paperwork (DA Fm 3975, DD Fm 1408 or CVA, etc.) and forwarded to the administrative section.

USAG-FRA Template for Driving Offenses and Barment Penalties

3. Who can issue these memos:

- a. Any on-duty MP or DA Police Officer can issue the pre-signed Garrison Commander suspension memo for any of the offenses listed in this table except DUI.
- b. For DUIs the regulation requires an independent review of the "reliable evidence" be conducted by the Garrison Commander or a designated reviewer (normally someone outside of law enforcement channels (GS-11 or above). The Garrison Commander's designated alternate reviewers are the Deputy to the Garrison Commander and the USAG-FRA Director of Plans, Training Security and Mobilization. If these individuals are not readily available, a DUI suspension memo may be issued by the on-duty Desk Sergeant on behalf of the Garrison Commander. This does not; however, relieve one of the designated reviewers of the responsibility to review the evidence and validate the Desk Sergeant's determination on the next duty day
- 4. For those situations not covered in this template, suspension/revocation actions will be done after the fact on a case-by-case basis. The DES administrative section and the Garrison Commander's office will conduct a joint review of the blotter/incident circumstances. The Garrison Commander will decide whether to suspend/revoke driving privileges and determine the appropriate period of suspension or revocation. The memorandum of notice will then be served to the subject either in person, via certified mail w/return receipt requested to establish proof of notice and/or through direct coordination with local civilian law enforcement.
- 5. If a subject is stopped or otherwise contacted for multiple simultaneous violations, the suspension/ revocation memo will reflect all of the offenses involved and the period of suspension will be the greater of the penalties that apply to any of the cited offenses.

ENCLOSURE A